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8 **5255-3-2-15**
9 Attorneys for Defendants and Counter-Defendants
10 Randall Hough, Bill Goichberg, Bill Hall, Randy Bauer,
11 Jim Berry, and Karl Kronenberger

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA CHESS)
12 FEDERATION, INC., an Illinois not-for-profit)
13 corporation, RANDAL D. HOUGH, an)
14 individual)

14 Plaintiffs,

15 v.

16 SUSAN POLGAR, an individual, GREGORY)
17 ALEXANDER, an individual, and DOES 1-)
18 20, inclusive,)

18 Defendants.

19

20 SUSAN POLGAR

21 Counter-Plaintiff,

22 v.

23 BILL GOICHBERG, BILL HALL, RANDY)
24 BAUER, JIM BERY, KARL)
25 KRONENBERGER,)

25 third party defendants,

26

27 RANDALL HOUGH,

28 Counter-Defendant. -9-

No. 3:08-cv-05126-MHP

**DECLARATION OF JAMES BERRY IN
SUPPORT OF THIRD-PARTY
DEFENDANTS' GOICHBERG, BAUER,
HALL, & BERRY'S MOTION TO
DISMISS FOR LACK OF PERSONAL
JURISDICTION**

Date: September 28, 2009
Time: 10:00 a.m.
Ctmm: 15, on the 18th Floor
Judge: The Hon. Marilyn Patel

1 I, James Berry, declare:

2 The following is of my own personal knowledge, unless stated under information and
3 belief, and if called as a witness I would testify as follows:
4

- 5 1. At the time the lawsuit and counter-claims were filed I was on the Board of
6 Directors and the Vice-President of the non-profit United States Chess
7 Federation ("USCF"). This is a volunteer position for which I spent about 5
8 hours per week. Professionally, I am retired and conduct no business in
9 California.
10
- 11 2. I have resided, as my primary domicile, in Oklahoma for the past 40 consecutive
12 years. I have never resided in California.
- 13 3. I have only traveled to California for the mediation related to the case at issue;
14 for which it was agreed among the parties that such appearance would not be
15 utilized for service, or count as an appearance in this case etc.
16
- 17 4. To my knowledge, the USCF does not perform any business in California, with
18 the exception of dealing with other chess clubs that happen to be located in
19 California and/or chess tournaments that are held in California. None of these
20 factors occur more in California than the other states.
21

22 I declare under the laws of the United States of America that the foregoing is true and
23 correct. Executed at Payne County, Oklahoma, on August 23, 2009.

24 
25 James Berry
26
27
28

PROOF OF SERVICE

5255-3-2-15

United States District Court – Northern District of California – Case No.: 3:08-cv-05126-MHP

I am a resident of the State of California, over the age of 18 years, and not a party to the within action. My business address is CESARI, WERNER AND MORIARTY, 360 Post Street, Fifth Floor, San Francisco, California, 94108. On August 24, 2009, I served the within document:

DECLARATION OF JAMES BERRY IN SUPPORT OF THIRD-PARTY DEFENDANTS' GOICHBERG, BAUER, HALL, & BERRY'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐ by placing the document(s) listed above in a sealed envelope with postage prepaid, in the United States mail San Francisco, California addressed as follows.

☐ by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

☒ by personally hand delivering the document(s) listed above to the person(s) set forth below.

Matt Gonzalez, Esq.
G. Whitney Leigh, Esq.
Matt Springman, Esq.
Gonzalez & Leigh
Two Shaw Alley, Third Floor
San Francisco, CA 94105

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I am familiar with the firm's practice of processing mail. Under that practice it would be deposited with the U.S. Postal Service on that day with postage thereon prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date/postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the above is true and correct.

Executed on August 24, 2009, at San Francisco, California.

PROOF OF SERVICE



ANNAMARIE DAVIS

PROOF OF SERVICE